IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF WISCONSIN

In re:

STRECKRICH PETRO CORPORATION, et al.,1

Case No. 08-31860-PP (Chapter 11) (Jointly Administered)

Debtors.

In re:

FISCA OIL CO., INC.,

Case No. 09-21519-PP (Chapter 11)

Debtor.

MOTION TO WITHDRAW AS COUNSEL FOR THE JOINTLY ADMINISTERED DEBTORS STRECKRICH PETRO CORPORATION AND FISCA OIL CO., INC.

Patrick B. Howell and Whyte Hirschboeck Dudek S.C., ("WHD") attorneys of record for The Jointly Administered Debtors, Streckrich Petro Corporation and Fisca Oil Co., Inc., collectively "Debtors" (and individually "Streckrich" or "Fisca"), hereby move the Court for an Order approving their withdrawal as counsel for said Debtors based upon the grounds set forth below:

- 1. On October 28, 2008, Whyte Hirschboeck Dudek S.C. and Patrick B. Howell were retained to represent the Debtors.
- 2. On October 29, 2008, Streckrich commenced its reorganization case by filing a Voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code. On February 12, 2009,

Patrick B. Howell, Esq. WHYTE HIRSCHBOECK DUDEK S.C. 555 East Wells Street, Suite 1900 Milwaukee, WI 53202 Telephone: (414) 978-5526

Facsimile: (414) 978-5526 Facsimile: (414) 223-5000 Email: phowell@whdlaw.com

¹ The Debtors are the following entities: Streckrich Petro Corporation and Fisca Oil Co., Inc.

Fisca commenced its organization case by filing a Voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code.

- 3. Pursuant to a written agreement between WHD and the Debtors regarding the legal representation of the Debtor, WHD has the right to withdraw from representation upon reasonable notice to the Debtors if they failed to fulfill their obligations under the agreement, or as permitted or required under any applicable standards of professional conduct or rules of court, or if other sufficient reasons existed which would require WHD to withdraw.
- 4. Debtors have failed to fulfill their obligations under the agreement and by reason of persisting non-responsiveness, counsel is accordingly unable to provide services for the benefit of the Debtors consistent with counsel's obligations under applicable court rules and rules of professional conduct governing lawyers.
- 5. Debtors have failed to comply with the specific Orders of the Bankruptcy Court including those Orders dated May 17, 2010 and Court Minutes of May 10, 2010 and June 3, 2010.
- 6. On August 25, 2010, WHD, pursuant to the agreement, provided notice of intent to withdraw as counsel upon the Debtors via electronic correspondence, facsimile and overnight delivery.
- 7. The undersigned believes that his action is authorized under applicable rules of professional conduct, including Wisconsin Supreme Court Rules 20:1.16(b) and (c).

8. Based upon the foregoing, WHD is requesting permission to withdraw as counsel for The Jointly Administered Debtors, Streckrich Petro Corporation and Fisca Oil Co., Inc. WHD further seeks further instruction as to the disposition of \$101,649.72 currently held in the Whyte Hirschboeck Dudek S.C. Client Trust Account.

Dated at Milwaukee, Wisconsin the 27th day of August, 2010.

Respectfully submitted,

Patrick B. Howell

Attorney for the Debtors,

Streckrich Petro Corporation and

Fisca Oil Co., Inc.

OF COUNSEL:

Patrick B. Howell, Esq. WHYTE HIRSCHBOECK DUDEK S.C. 555 East Wells Street, Suite 1900 Milwaukee, WI 53202

Telephone: (414) 978-5526 Facsimile: (414) 223-5000 Email: <u>phowell@whdlaw.com</u>